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In re Application of :
Paul Jarrett et al :
Serial No.: 09/242,843 : PETITION DECISION
Filed: November 18, 1999 :
Attorney Docket No.: 0380-P01838 :

This is in response to the petition under 37 CFR 1.181, filed February 25, 2004, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants (subsequent to the filing of RCE papers on February 19, 2003) on May 6, 2003, setting a three month shortened statutory period for reply. The Office action included PTO FORM 948 requiring submission of new drawings. In reply applicants requested that submission of new drawings be deferred until issuance of a Notice of Allowance. In view of a change in Office procedures which occurred in November, 2000, deferment of submission of new drawings was no longer permitted. In view of this the examiner mailed a Notice of Abandonment to applicants on January 15, 2004.

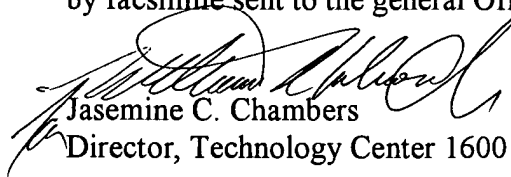
As applicants point out, this application is the National phase filing under 35 U.S.C. 371 of an international application. As such, the drawings filed with and published in the international application are considered acceptable in the Notional phase application. Thus no requirement for new drawings should have been made. Further, the Form 948 was prepared in February, 2000, and states on the back thereof with regard to timing of the submission of new drawings that submission of new drawings may be deferred until allowable subject matter is indicated or a Notice of Allowability is mailed. These statements are contradictory to the changes effective November, 2000. Nor was this statement corrected by the examiner in the Office action.

The draftsman's objections to the drawings have been reviewed, but are not seen to pertinent to drawings filed in National phase applications. Therefore, the objections are withdrawn and no requirement for new drawings is made. In view of the withdrawal of the requirement the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



Jasmine C. Chambers
Director, Technology Center 1600